



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

366

CRA-S-2354-SB-2006 (O&M)

Date of decision: 10.09.2025

Malkiat Singh

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mayank Aggarwal, Advocate for
Mr. G.S. Sandhu, Advocate for the appellant.

Mr. Parmod Kumar, AAG Haryana

AMAN CHAUDHARY. J.

1. Challenge in the present appeal is to the judgment/order dated 22/24.11.2006, passed by the learned Judge, Special Court, Karnal, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for three months alongwith fine of Rs.5000/- and in default of payment of the same, to further undergo simple imprisonment for one month, for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Shorn of unnecessary details, the facts are that on 22.09.2004, when ASI Ranbir Singh alongwith other police officials were coming towards village Gagsina, on patrolling duty, a person came from the side of the village and on suspicion, they apprehended him in possession of a plastic bag on his head. After apprising of his rights, search was conducted and recovery of 8 Kg of poppy powder was effected. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered.

**CRA-S-2354-SB-2006 (O&M) - 2-**

3. Upon conclusion of investigation, a final report under Section 173 Cr.P.C. was submitted before the Court. Finding a prima facie case, the Court framed charge under Section 15 of the Act, to which the accused pleaded not guilty and sought trial.
4. The prosecution, in support of its version, examined 8 witnesses. Thereafter, the statement of the accused under Section 313 Cr.P.C. was recorded. The incriminating evidence was put to him, which he denied, pleading innocence and alleging false implication.
5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.
6. The appellant, feeling dissatisfied, has invoked the jurisdiction of this Court.
7. Learned counsel for the appellant, at the outset, gives up the challenge to his conviction and prays for reducing the sentence to the period already undergone, it being 10 days, on the ground that he belongs to the poor strata of society; sole bread winner of the family; recovery was non-commercial; not involved in any other case, never misused the concession of bail and has been facing the agony of protracted trial for the last 21 years.
8. Resisting the appeal, learned state counsel submits that the trial Court after evaluating the evidence has rightly convicted the appellant and the sentence awarded to him cannot be said to be excessive, therefore, he prays for the dismissal of the present appeal. He, however, affirms the non-involvement of the appellant in any other criminal case and the period undergone by him.
9. Heard submissions and perused the material on record.
10. Evidently, PW8-ASI Ranbir Singh and PW7-HC Rajbir Singh had



CRA-S-2354-SB-2006 (O&M) - 3-

deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband. As per FSL report Ex.P16, the contents of contraband were found to be 'Poppy Straw' (Chooru Post) of *Papaver Somniferum* L.. Thus, the trial Court has rightly convicted the appellant and there is no scope for interference in the findings recorded therewith and the conclusion arrived at. As such, his conviction is upheld.

11. As to the submission seeking reduction of sentence to the period already undergone, reliance can be placed upon the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.

12. The sentence of the appellant in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, convicted under Section 15 of the Act, was modified to the period undergone i.e. from 3 years and 6 months to 8 months and 25 days already undergone, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

13. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony,



CRA-S-2354-SB-2006 (O&M) - 4-

brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]”.

14. Humanistically viewing, the appellant having suffered the ignominy of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds extenuation to be implicit. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

15. The order of sentence dated 22/24.11.2006 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

10.09.2025

M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No